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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/774,301

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Jeremy Irish

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EXAMINER

MANCHO, RONNIE M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/774,301	Applicant(s) IRISH ET AL.	
	Examiner RONNIE MANCHO	Art Unit 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/1/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-5 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1-5 are not enabled. Applicant recites the following limitations in the claims:

“Zone of influence”, what is being influenced, is it movement of traffic in a geographic area, communication of GPS signals, etc? Applicant does not provide the meaning thereof, the phrase was copied from the specification and pasted in the claims without any description to enable one skilled in the art to make and use the invention.

Applicant further recites, “event data”. What event is applicant referring to, is it when a user pushes a button on a GPS device, drive a car, purchase a GPS device? Applicant does not provide the meaning thereof, the phrase was copied from the specification and pasted in the claims without any description to enable one skilled in the art to make and use the invention.

Applicant further recites, “trigger condition”. What is triggered and under what condition? Applicant does not provide the meaning thereof, the phrase was copied from the specification and pasted in the claims without any description to enable one skilled in the art to make and use the invention.

Applicant further recites, “user navigational event”. What is the user navigation event and how is it triggered and under what conditions? Is the user requesting travel directions, POI’s, etc? Applicant does not provide the meaning thereof, the phrase was copied from the specification and pasted in the claims without any description to enable one skilled in the art to make and use the invention.

Applicant’s claim 1, last four lines recite, “to locally trigger the user navigational event in the user event data associated with the trigger condition in the trigger data of the zones of influence in the zone of influence data based on the correlation”. These claim limitations are poorly written confusing the scope of the claims. The specification does not enable one skilled in the art to make and use the invention as claimed.

In claim 2, applicant recites, “a duration”. What duration is applicant referring to? How is the claimed duration linked to the claim limitations?

Further in claim 2, the following limitations are not enabled in applicant's specification: “to locally trigger each user navigational event in the user event data associated with the duration of the timed events in the timed event data implicated by the expiration”. If the elapsed time of an event is equal to the duration of the event it implies that the event duration is over. How then does the system “locally trigger each user navigational event in the user event data associated with the duration of the timed events in the timed event data implicated by the expiration” after the event is expired? The limitations are confusing. What is “the timed event data implicated by the expiration”?

In claim 3, “to locally trigger each user navigational event in the user event data associated with the independent trigger conditions in the trigger data based on the trigger

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condition satisfaction” is not enabled in applicant's specification. The limitations are fused and thus confuse the scope of the claims not enabling one skilled in the art to make and use the invention.

In claim 4, “from one or more other of the zones of influence” is not enabled in applicant's specification. The limitations are fused and thus confuse the scope of the claims not enabling one skilled in the art to make and use the invention.

3. Claims 2, 3, 4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 2, the limitation, "to locally trigger each user navigational event in the user event data associated with the duration of the timed events in the timed event data implicated by the expiration” is new matter because applicant’s original disclosure does not recite the limitation.

In claim 3, “an evaluation module configured to *determine trigger condition satisfaction of one or more of the independent trigger conditions*” is new matter because applicant’s original disclosure does not recite the limitation.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, “the user event data associated with the duration of the timed events” and “the timed event data implicated by the expiration” all lack antecedent basis.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Sporgis (6320495).

Regarding claim 1, Sporgis (figs. 1-4) discloses a system for executing user navigational events (col. 3, lines 19-27) triggered through geolocational data (col. 5, lines 9-23; figs. 3&4) describing zones of influence, the system comprising:

a storage medium 12 (fig. 1) configured to hold data in a cartridge script (col. 4, lines 14-24; i.e. a collection of zones, map locations, items, events, etc; see specification, page 7, line 3) loadable into a wireless computing device, wherein the data comprises:
zone of influence data configured to define one or more zones of influence into the cartridge script by describing a plurality of points of static geolocational data (figs. 3&4; col. 4, lines 14-24; i.e. a collection of zones, items, events, etc; see specification, page 7, line 3);

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user event data configured to define one or more user navigational events (i.e. individualized events; col. 3, lines 19-26, lines 63-65) into the cartridge script and to associate each user navigation event in the user event data with at least one zone of influence in the zone of influence data; and

trigger data configured to specify a trigger condition (col. 5, lines 4-9) for each user navigational event (i.e. individualized events; col. 3, lines 63-65, lines 19-26) in the user event data based on static geolocational data (col. 5, lines 9-23) for the associated zone of influence (col. 4, lines 14-15) in the zone of influence data; and

a wireless computing device 10 configured to execute a scenario by triggering the user navigational events (col. 3, lines 19-26, line 63 to col. 4, line 13) in the user event data stored on the cartridge script through movement (col. 5, lines 9-23) of the wireless computing device 10, the wireless computing device comprising:

a locational module device 11 (GPS col. 3, lines 1-18) configured to continuously self-identify a location of the wireless computing device 10 based on dynamic geolocational data (refers to movement, col. 5, lines 9-23) determined in response to the movement; and

a processor module (computer program 12, col. 3, lines 1-5) configured to determine a correlation (col. 5, lines 9-23) between the dynamic geolocational data and the static geolocational data for one or more of the zones of influence in the zone of influence data, and to locally trigger the user navigational event (col. 3, lines 19-26, line 63 to col. 4, line 13; col. 5, lines 9-23) in the user event data associated with the trigger condition in the trigger data of the zones of influence in the zone of influence data based on the correlation.

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Regarding claim 2, Sporgis (figs. 1-4) discloses the system according to claim 1 further comprising:

further data in the cartridge script loaded in the user device comprising timed event data configured to specify one or more timed event comprising start time and a duration and to associate each timed event in the timed event data with at least one user navigation event (col. 3, lines 19-26, line 63 to col. 4, line 13; col. 5, lines 9-28); and

the wireless computing device further comprising:

a timer module configured to measure an elapsed time beginning with the start time of each timed event in the timed event data (see scheduled, begin travel, etc; col. 3, lines 19-31, line 63 to col. 4, line 13; until player arrives, col. 5, lines 9-28);

an evaluation module configured to determine when the elapsed time substantially equals the duration of one or more of the timed events in the timed event data, and to locally trigger each user navigational event in the user event data associated with the duration of the timed events in the timed event data implicated by the expiration (col. 3, lines 19-31, line 63 to col. 4, line 13; until player arrives, col. 5, lines 9-28);

Regarding claim 3, Sporgis (figs. 1-4) discloses the system of claim 1 further comprising:

further data in the cartridge script loaded in the user device comprising one or more independent trigger conditions, wherein each independent trigger condition is configured to be associated with at least one user navigational event (col. 3, lines 19-31, line 63 to col. 4, line 13; until player arrives, col. 5, lines 9-28); and

the wireless computing device further comprising:

an evaluation module configured to determine trigger condition satisfaction of one or more of the independent trigger conditions in the trigger data, and to locally trigger each user navigational event in the user event data associated with the independent trigger conditions in the trigger data based on the trigger condition satisfaction (col. 3, lines 19-31, line 63 to col. 4, line 13; until player arrives, col. 5, lines 9-28).

Regarding claim 4, Sporgis (figs. 1-4) discloses the system according to Claim 1, wherein the zone of influence data is configured to define each zone of influence as discrete, adjoining, overlapping, and nested relative to at least one other zone of influence in the zone of influence data (figs. 3&4; col. 3, lines 19-31, line 63 to col. 4, line 13; until player arrives, col. 5, lines 9-28).

Regarding claim 5, Sporgis (figs. 1-4) discloses the system according to Claim 1, wherein the zone of influence data is configured to define at least one zone of influence in the zone of influence data as inheriting at least one user navigational event in the user event data from one or more other of the zones of influence in the zone of influence data (col. 3, lines 19-31, line 63 to col. 4, line 13; until player arrives, col. 5, lines 9-28).

Response to Arguments

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8. Applicant's arguments filed 10/31/07 have been fully considered but they are all not persuasive.

The 101 rejection has been removed in view of applicant's amendments.

The IDS submitted 8/1/06 has been entered and considered.

Applicant's amendments raise new 112 first and second issues as pointed out above.

Applicant argues about being their own lexicographer; however, the examiner notes that applicant is repugnant. Applicant recites "zone of influence" and insists that it means the same as --parking zone--. This is not convincing because when a parking zone is recited, one skilled in the art immediately recognizes that it refers to an area where cars are parked. But applicant's specification does not suggest or recite a zone where cars are parked. If the limitation, "zone of influence" is replaced with --parking zone-- in the claims, the scope of the invention still will not be clearly disclosed for one skilled in the art to apprise the invention.

Applicant traverses the 102 rejection saying that Sporgis discloses a Gamemaster. The examiner disagrees and notes that although Sporgis discloses a Gamemaster, Sporgis anticipates the limitations as amended because the examiner has cited the columns and figures where the limitations are found. Applicant fails to indicate any particular limitation not disclosed by the prior art. Instead the applicant makes a general statement insisting that the prior art does not disclose the limitations in the claims.

Applicant's arguments drawn to the amended sections of claim 1 are not convincing because the limitations are replete with 112 issues. The prior art determines a correlation between static and dynamic geolocational data because the GPS unit compares the position of movement of the GPS device with the position of a destination where a treasure is located. The

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position of the treasure is static and the position of the GPS unit is dynamic. Thus the prior art anticipates the claims.

Applicant further argues that the prior art does not disclose a processor on a wireless computing device, but that the prior art discloses a wireless device (GPS unit) that discloses triggering, determining and providing clues etc. The argument is not convincing because the processes “triggering, determining and providing” can only be performed by a processor as claimed.

The examiner is not arguing that applicant does not disclose terms such as "cartridges", "zone of influence", etc, but that applicant's limitations are inconsistent and do not provide the meaning thereof as rejected in the 112 rejections. Applicant copies and pastes the limitations in the claims without providing the meaning associated with the limitations.

Applicant argues that Sporgis does not disclose the limitations in the claims. The examiner disagrees. Sporgis anticipates, “a cartridge (col. 4, lines 14-24; i.e. a collection of zones, items, events, etc; see specification, page 7, line 3) comprising:

zone of influence data to define one or more zones of influence and wherein each zone of influence is described by a plurality of stored geolocational data (col. 4, lines 14-24; i.e. a collection of zones, items, events, etc; see specification, page 7, line 3). The definition of cartridge in Sporgis is that disclosed in applicant's specification, page 8.

It is further noted that Sporgis further anticipates, “a wireless computing device 10 to execute the cartridge (col. 4, lines 14-24; i.e. a collection of zones, items, events, etc; see specification, page 7, line 3), the wireless computing device comprising:

a locational device 11 (GPS col. 3, lines 1-18) to self-identify a location of the wireless

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device 10 based on further geolocational data (col. 5, lines 9-14); and

a processor (computer program 12, col. 3, lines 1-5) to trigger at least one user event (i.e. a new clue) on the cartridge when the further geolocational data substantially correlates to the stored geolocational data for the zone of influence associated with the trigger condition of the at least one user event (col. 5, lines 9-23)". Applicant is basing their arguments on inconsistent limitations.

The rejections are proper and thus stand.

Communication

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 571-272-6984. The examiner can normally be reached on Mon-Thurs: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronnie Mancho
Examiner
Art Unit 3663

3/29/2008

/Jack W. Keith/

Supervisory Patent Examiner, Art Unit 3663